

HOUSE BILL 76

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 52; Title 7, Chapter 59; Title 47, Chapter 18 and Title 65, Chapter 25, relative to billing practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, Part 6, is amended by adding the following language as a new, appropriately designated section:

§ 7-52-612.

(a) No subscriber to a residential cable or video programming service provided pursuant to this part shall be subject to an assessment of a late fee until at least thirty (30) days after the service to which the late fee applies has been received by the customer. No municipal electric system providing a cable or video programming service under this part shall impose a late fee for residential cable or video programming service unless the billing statement for such service contains a clear and conspicuous notice of when the late fee is to be imposed consistent with this section.

(b) In addition to all other remedies available under the law, a violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18.

SECTION 2. Tennessee Code Annotated, Title 7, Chapter 59, Part 1, is amended by adding the following language as a new section:

§ 7-59-110.

(a) No subscriber to a residential cable or video service provided pursuant to a franchise license granted under this part shall be subject to an assessment of a late fee until at least thirty (30) days after the service to which the late fee applies has been

received by the customer. No cable television company or cable or video service provider holding a franchise license granted under this part shall impose a late fee for residential cable or video service unless the billing statement for such service contains a clear and conspicuous notice of when the late fee is to be imposed consistent with this section.

(b) In addition to all other remedies available under the law, a violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18.

SECTION 3. Tennessee Code Annotated, Title 7, Chapter 59, Part 3, is amended by adding the following language as a new section:

§ 7-59-319.

(a) No subscriber to a residential cable or video service provided pursuant to a state-issued certificate of franchise authority shall be subject to an assessment of a late fee until at least thirty (30) days after the service to which the late fee applies has been received by the customer. No cable or video service provider holding a state-issued certificate of franchise authority shall impose a late fee for residential cable or video service unless the billing statement for such service contains a clear and conspicuous notice of when the late fee is to be imposed consistent with this section.

(b) In addition to all other remedies available under the law, a violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18.

SECTION 4. Tennessee Code Annotated, Section 7-59-312(a), is amended by inserting the following language immediately following the language "§ 7-59-309 concerning public, educational and governmental access channels,":

§ 7-59-319 concerning billing practices,

SECTION 5. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Violating § 7-52-612, § 7-59-110, § 7-59-319, or § 65-25-227;

SECTION 6. Tennessee Code Annotated, Section 65-25-227, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) No subscriber to a residential cable or video programming service provided pursuant to this part shall be subject to an assessment of a late fee until at least thirty (30) days after the service to which the late fee applies has been received by the customer. No rural electric cooperative providing a cable or video programming service under this part shall impose a late fee for residential cable or video programming service unless the billing statement for such service contains a clear and conspicuous notice of when the late fee is to be imposed consistent with this section.

(2) In addition to all other remedies available under the law, a violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18.

SECTION 7. This act shall take effect July 1, 2010, the public welfare requiring it, and shall apply to residential cable or video service contracts entered into or renewed on or after that date.